

O L S H A N

PARK AVENUE TOWER • 65 EAST 55TH STREET • NEW YORK, NEW YORK 10022  
TELEPHONE: 212.451.2300 • FACSIMILE: 212.451.2922

EMAIL: SSHAFFER@OLSHANLAW.COM  
DIRECT DIAL: 212.451.2302

January 9, 2014

**VIA ECF**

Honorable Mark Falk  
United States District Court  
District of New Jersey  
50 Walnut Street  
Newark, NJ 07101

**Re: Hoffman v. Clemens, et al., Civil Action No. 13-7924 (WJM)(MF)**

Dear Magistrate Judge Falk:

This office represents the Defendants in the above-referenced action, wherein a status conference has been scheduled for Monday, January 13th at 11 a.m. In advance of that conference, I am writing regarding the clerk's entry of default against Whole Body Research, LLC earlier today.

Thus far, Whole Body Research has removed this action to District Court; this office has noticed an appearance; and we have written to the Court in response to Plaintiff's letter of January 2, 2014. Obviously, Whole Body Research, as well as our other clients, Altern Marketing, LLC and Curt Clemens, intends to defend this action.

I would prefer not to burden the Court with a motion to set aside today's entry of default. As a precaution, however, I spoke with Mr. Hoffman this morning via telephone and asked him whether such a motion would even be opposed. Mr. Hoffman took the request under advisement and said he would not move for default judgment prior to Monday's status conference.

Accordingly, Defendants respectfully request that during the status conference, the Court establish a timeline for responding to the Complaint and/or the Notice of Removal. We will await further guidance from the Court on this matter.

Respectfully submitted,



Scott Shaffer

cc: Harold M. Hoffman, Esq. (via ECF)